IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13426 of 2004

Between:

Smt. Bandela Rama Devi, W/o. Vallem Subba Rao,
Fair Price Shop Dealer of Kotha Ayyaganipalli, H/o. Mannepalli Village,
Pullalacheruvu Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector (Civil Supplies), Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing Proceedings R.C.H./1102/2004 dated 06-07-2004 in suspending my authorization as Fair Price Shop Dealer of Kotha Ayyaganipalli of Pullalacheruvu Mandal, Prakasam District, without notice, as bad, arbitrary, illegal and violation of principles of natural justice and consequently direct the respondents to continue me as Fair Price Shop Dealer of Kotha Ayyaganipalli of Pullalacheruvu Mandal, Prakasam District.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner, who is the authorised dealer of Fair Price Shop of Kotha Ayyaganipalli, Mannepalli village, Pullalacheruvu Mandal, Prakasam District, filed this writ petition aggrieved by the order passed by the second respondent-Revenue Divisional Officer, Markapur, Prakasam District, dated 06.07.2004, whereunder her authorisation was suspended.

This Court having prima facie found that the impugned order dated 06.07.2004, is in the nature of a final order by way of substantive punishment and the same was passed without affording any opportunity to the petitioner to rebut the allegations, while directing notice to the respondents, by order dated 30.07.2004 granted interim suspension of the impugned order.

In the counter affidavit filed on behalf of the respondents the fact that before passing the impugned order dated 06.07.2004 no notice was issued to the petitioner is not denied. However, it is stated that subsequently a show-cause notice dated 16.07.2004 was issued calling upon the petitioner to show cause why her authorisation should not be cancelled for the irregularities specified thereunder, however the petitioner refused to receive the said show-cause notice.

Thus, it is clear that an enquiry has been initiated against the petitioner into certain allegations. However the learned counsel for the petitioner states that no such show-cause notice has been issued and if due opportunity is afforded to rebut the allegations, if any, the petitioner will face the enquiry.

Having heard the learned counsel for both the parties and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the Revenue Divisional Officer to complete the enquiry initiated against the petitioner expeditiously after affording due opportunity to the petitioner.

A copy of the show-cause notice dated 16.07.2004 has been served by the learned Government Pleader on the learned counsel for the petitioner today in the open Court and the same shall be deemed as a valid service on the petitioner. The petitioner is granted liberty to submit her explanation to the said show-cause notice within a period of two weeks from today. If such an explanation is offered within the time fixed above, the Revenue Divisional Officer shall take the same into consideration and pass appropriate orders in accordance with law, after conducting the necessary enquiry. It is made clear that till such time, the impugned order of suspension dated 06.07.2004 shall not be given effect to.

Accordingly, the writ petition is disposed of. No costs.

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01.11.2004

VGB

To

1 The District Collector (Civil Supplies), Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Pullalacheruvu Mandal, Prakasam District.

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

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